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# YALE LAW JOURNAL

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## EXISTING QUESTIONS ON LEGAL EDUCATION.

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[ADDRESS DELIVERED AT THE OPENING OF THE FIRST SESSION OF THE SECTION  
OF LEGAL EDUCATION OF THE AMERICAN BAR ASSOCIATION, IN MILWAUKEE,  
AUGUST 30TH, 1893.]

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In rising to respond to the request of your committee I desire first of all to express my sense of our indebtedness to them for their very instructive report. They have surveyed and mapped out before us the present condition of American legal education. For one, I have received from their report much light both upon scope and upon methods of instruction. They have given us a great store of information, and have added what I have found to be very helpful comments on the facts they have given us.

The committee conclude that for the majority of American law schools the required course cannot exceed two years; and they recommend that some elective studies in higher jurisprudence be added to the two years' course; and they show very clearly that post-graduate courses are needed. They present much information as to methods of instruction, and it appears to me that the best way to fulfill the present purpose is to lay before you the questions raised in my mind by this report in connection with my own as yet brief experience in instruction, in the hope that in the ensuing discussion the views expressed by others may aid many of us.

I will therefore ask your attention to the following points:

- I. The new phase of law presented by existing American jurisprudence;—rules suited to the condition of our people.

## II. How far ought law schools to teach procedure ?

(1) Is it practicable ?

(2) If taught, should it be before, after, or concurrently with substantive law ?

## III. In respect to special methods of class work :

(1) Where a text book is the basis of instruction, should the teacher's exposition precede or follow the reading ?

(2) Should students be catechised on what they have heard and read ?

(3) Can written exercises be utilized ?

## IV. Post-graduate law courses.

## I. THE NEW PHASE OF LAW PRESENTED BY EXISTING AMERICAN JURISPRUDENCE.

Theories of the proper scope of legal education naturally vary according to one's habitual conceptions of the law itself.

Many of the profession,—including perhaps now, as doubtless heretofore, a great majority of instructors in law and of writers on jurisprudence,—are accustomed to regard law as a fixed system of unchangeable principles together with the deductions which logic dictates in the effort to apply those principles to new cases or varying circumstances.

This conception is evidently founded on the common law. Its adherents readily concede that the science of law includes such of the doctrines of equity as by long recognition have become hardened into rules, and to some extent imitated and adopted by the courts exercising jurisdiction at law; but they seem to treat any movement of equity beyond those rules as an anomalous interference with law,—a disturbing force from without,—which must indeed be recognized and allowed for, but is nevertheless foreign to the fundamental conception of law as a harmonious system of predetermined uniform rules.

We shall doubtless all agree on the soundness and indeed the necessity of this conception of law as a part of any just theory of modern jurisprudence ; and a hundred years ago it was fairly adequate. But I desire, in connection with it, to direct your attention to the necessity at the present day of recognizing and coördinating with it another and very different conception. Let us for a moment turn away from our books, which are all more or less modeled or at least influenced by the old conception of law, and watch the courts of this country to see what they are actually doing. What is the "law" which we are now administering? What the method of reasoning that even common law courts are.

really pursuing? Is it simply a system of logic, having inflexible commands of a superior for its premises, and the inflexible lines of a syllogism as its deductions? An examination of the current reports of the decisions of the courts of last resort will show that while many cases are decided upon that principle a considerable proportion even of common law cases are decided upon principles of utility. Our law courts not only use something of the same freedom in looking for premises in the doctrines of good faith that courts of equity have always used, but courts of law and courts of equity alike are now using like freedom in looking for premises in the present interests of society. Cases are now frequent in which our courts of last resort are guided in their decision by considering which of several rules will work the best.

This is not the jurisprudence of a system of commands; it is the jurisprudence of common welfare wrought out by free reasoning upon the actual facts of life. American jurisprudence as actually administered to-day is the jurisprudence of the Common Wealth.

In some few matters the law still finds its premises in reverence for the divine as did ecclesiastical and canon law.

In a large class of matters it finds its premises in the constitutions and statutes, which are in the nature of commands; and upon all things within their scope we reason as strictly from them as did the common law which proceeded from premises furnished by monarchical legislation, and by the equally inflexible usages of the realm.

But the great mass of the business of our courts, to-day, turns upon questions not wholly foreclosed by the history of the past. The question, what is the traditional law that has come down to us, is still asked; but another question is always open, viz., does our situation to-day suggest the wisdom of a deviation from that traditional law?

The key note of this good change was struck when our courts determined that, notwithstanding the unqualified adoption of the English common law by our constitutions, they would apply and enforce only so much as is suited to our condition.

From that time forth it has always been, for a court of last resort, a legitimate enquiry, what rule on the subject under consideration is suitable to the condition of our people; and a legitimate course to disregard common law rules whenever unsuitable, and to consult the common welfare of the people, as sound premises for the decision of any question not foreclosed by statutory authority.

Those who have not examined the subject may be surprised to see how far this principle is now tacitly embodied in our law. I would characterize the existing American jurisprudence, as *suitable jurisprudence*. Historical Jurisprudence shows us how we reached our present level; Analytic Jurisprudence clears our conceptions of the various possible rules; Comparative Jurisprudence gives us breadth of view in comparing them. But existing American Jurisprudence looks also to the actual situation of affairs. All the phases of jurisprudence treated in the books are tributary to the wisdom and caution necessary in working out the development—now steadily going on whether we recognize it or not—the construction of a Jurisprudence of Utility, a jurisprudence which, recognizing the unspeakable value of all the traditions of the past, and respecting the limits of statutory command, seeks also for the premises to be found in the welfare of the community; and reasons from them too in ascertaining what principles are suitable to be received as governing the administration of law among our people. It would be easy to show that this change in the conception of law is necessitated by our condition, and that its future advance is inevitable.

This then I suggest should be, and sooner or later must be, included within the outline or framework of American legal education. To do this we must, as our courts of last resort and our ablest counsel already do, add to the process of reasoning upon the technical premises furnished by the common law, broad views of the sociologic and ethical considerations which ought to control in a balanced conflict of authority, or an absolutely new question. Every department of human knowledge should be laid under contribution to furnish this new jurisprudence of the commonwealth,—a jurisprudence which respects the past, but moves forward according to the requirements of the welfare of the present and the immediate future.

Unless all signs of the times fail the American system of independent legislation in the several States, and an elective judiciary, and the growing appreciation by the people at large of the science of public and social economy, are steadily diminishing the area and relative influence of the common law, bringing into inevitable disrepute the idea of law as a command, enlarging in every direction the domain of equity, and raising into its true importance the judicial recognition of sound reasoning upon the consequences of a rule, as a safe guide in an ever-increasing class of cases.

I hazard nothing in predicting that American jurisprudence will soon be recognized as being as far in advance of the common

law of the books, as a true democratic commonwealth is in advance of a monarchical government by edict and decree.

Our schools must not therefore exclude or ignore, as some theories of legal education do, the quality of statesmanship which is legitimately entering the domain of our law, by the door of equity, and through the vestibule which the novel conditions of a new country have formed.

I desire to see founded, in my law school I hope, but at all events in some conspicuous and influential center, a professorship of the ethics of jurisprudence, or the sociology of jurisprudence, or both—the jurisprudence of utility in the broadest sense—suitable jurisprudence. I do not mean professional ethics, nor theological ethics applied to law, nor abstract ethics in any sense. I mean a chair whose incumbent shall first dissect out and hold up to view the extent to which our highest courts to-day, in causes presenting novel questions and questions involving a conflict of authority, or even old questions on a new situation, are deciding against authority, upon practical grounds which on analysis are found to be economic, ethical or sociologic. He should then show to what extent the efforts of the ablest counsel are already characterized by the appreciation and the discussion of such considerations. He should then develop the principles which should form, guide and limit such discussions. In other words he should open the connection between the welfare of the community, and the actual judicial usages of to-day which permit a reconsideration of traditional law in view of the needs of the present time. I do not propose departures from any settled doctrine or application of the law, nor an innovation of new doctrines. But I put this proposition: When a question has to be decided on which there is no adequate authority, or on which a conflict of authority requires the court to decide which of two rules is to be followed, the bar are invited to a discussion of the question in view of its public merits. Then is the opportunity for men capable of handling such open questions in the light of the relative fitness of each rule to the conditions, usages and needs of our communities, and by the test of intrinsic justice. And the bar, instead of being disconcerted or embarrassed by the lack or the uncertainty of authority, should find in such cases, as many of them already do, a golden opportunity for their most successful work. We have left far behind us the common law idea that for the courts of last resort non-statutory law is in the nature of a command. We have left far behind us the old conception of equity as merely the chancellor's idea of what is fair in the particular case. Our courts are

steadily at work in a course which is developing the idea that if among conflicting rules urged upon them with sanction from the past they can ascertain which is the most useful to the people in the judicial sense of utility, that rule should be applied whether precedents exist or not, or even though precedents forbid. I do not propose that the law schools should try to accelerate this development, even if they had the power. If they are to exert an influence on its progress I incline to think it should be a conservative influence. But they cannot long ignore it.

## II. HOW FAR OUGHT LAW SCHOOLS TO TEACH PROCEDURE?

This question whether the schools should teach procedure suggests two distinct points. (1) Is Procedure important as a part of the science of law? (2) Is it practicable to teach it in schools? As to its importance:—is it not clear that the great need of the bench now is a trained bar? Every judge is painfully familiar with the burden imposed on him in the administration of justice by a mass of crude and ill digested allegation and proofs thrust before him by attorneys who may have systematic ideas of the general principles of the law but are ill trained in the scientific application of those principles. The reports of our courts of last resort teem with the wrecks of mispleadings and mistrials.

No greater service could be rendered to the secular interests of society or to our profession, than to harmonize and unify our knowledge of procedure, so that wrangles upon practice might be reduced to a minimum, and the time of the courts and bar more fully given to those noble contests of the forum which serve the welfare of the world by quieting controversies, removing causes of offense, and developing principles and rules of justice and fair dealing.

How quickly the function of the profession rises to its true dignity when cases like the Geary law Chinese Registration case, the Chicago Sunday opening case, the Borden murder case, in the hands of well trained practitioners move promptly and smoothly on, each side understanding and respecting the rules of forensic contest, and devoting their energies to real contention on the merits. When trained practitioners deal with a cause in such a manner, sarcasm at lawyers ceases, and the country looks on with intense interest and undisguised admiration.

What a boon to our community it would be if the practice of the law could be lifted above the entanglements of half understood procedure, and if a bar trained in the logic of pleading and

the practice of adducing evidence, and a bench, freed from the incessant duty of correcting errors in practice, could devote themselves fully to the free and useful reasoning of the modern American Law upon the usages of business and the interests of commerce and society.

But is the school the place to teach procedure? The old theory seems to be that the law school is a device to provide such systematic learning of substantive law as office training does not afford. The student was supposed to learn procedure in an office; and, because the office time was engrossed in procedure, and little time left for study of principles, the law school was to furnish that part of legal education which the office wholly neglected. The law school is considered by many as merely supplementary or preliminary to education in an office.

Of late years I should judge broader views have begun to prevail. It is now seen that procedure is not a trade to be learned after studying legal principles in a book, any more than surgery is a trade to be learned after studying anatomy in a book.

Prof. Langdell's courses in Equity Pleading, Prof. Ames' History of Assumpsit, Prof. Thayer's Development of the Jury, and other recent lines of original instruction show the advance which has been made. It is now seen that Pleading and Evidence are the procreative parts of law. Procedure is not "adjective law." It is verb law. If we wish to see living law, law in motion, we must see it as procedure develops it. Law is a part of the science of life. It is in itself a living science. Its subject is life regulated. If we wish to teach law in its true character as a force we must show it as it acts. If we wish to teach or to investigate any principle accurately it is indispensable to take notice of how it works or is worked in actual application. Modern law subsists in its application. Its principles when treated as abstractions may doubtless be classified and catalogued, but they cannot be adequately appreciated with precision until regarded in their application.

Against teaching procedure I have heard it objected that law schools are not established to teach a trade. If this means that the practice of the law is a trade, we may well challenge the statement. There are already an adequate number of men in the profession who desire to be great lawyers while they "hate practice." They who make this the measure of their ambition are about as wise and successful as soldiers who want to be generals and despise tactics; sailors who want to be admirals and hate navigation. The practice of the law is the evidence and measure of its useful-



ness to the community. The "trade" notion stigmatises not the practitioner but the sordid, mercenary spirit; and whether it be in the practitioner or the judge, the professor or the author, makes no difference, except that the higher it goes the worse it is.

But how far is it practicable to teach procedure in the schools? On this question I must speak with more reserve; I am seeking for light upon it. In what I say of procedure let it be understood that I am not speaking of the mechanical parts of the clerical function, but of the rules of regularity to be observed in litigation and the principles and reasons which underlie them all.

My impression is that it will be found easier to teach substantive law and procedure in connection, than to teach substantive law alone. I do not mean easier for the teacher, but easier for the learner.

This question connects itself with the more specific topic of particular methods. Let me consider them together.

I came to the task of legal instruction with no other preparation than having had a long succession of students in my office, and having observed their progress and their difficulties. In endeavoring to assist them, I have found of course that different minds learn differently; but if my observation is correct, the great majority of students learn more intelligently, more rapidly, and more exactly, by dealing first with the concrete, and rising thence to understand the abstract, rather than studying first the abstract principle and seeking afterward to apply it to concrete cases.

To illustrate. At the law school I took up the course as I found it, and carried the class through the text book on Common Law Pleading. With all my efforts at clear explanation I found that at the end of the subject a considerable percentage of the class had very inadequate conceptions of the count, the verification, the *similiter*, etc., etc. I then printed a *postea* taken from an actual case in our courts, decided just before the abolition of common law forms, and distributed copies among the class, as an illustration of all the elements in the process they had been studying. It was of great advantage in clearing up the misconceptions which the course had left. The next year I commenced my course with that same paper; and after a brief introductory exposition of the reason why pleadings are used, and of the general course of pleading in a common law suit, I distributed the *postea*, and required one student after another to rise, read aloud each a single sentence, and give in the fewest possible words his idea of the fact that sentence brought into the case, or the legal function

it performed, in that extended dialogue on paper which we term the pleadings. The students were thus required to handle the thing itself, *not as an illustration* of what we had studied, but as a *preparation* for study. As we went on I printed sixteen declarations, each appropriate to one of the most important actions in American common law practice. I found that this method of putting the thing to be studied into the hands of the student to be studied in advance, awakened interest, induced what I may call vivid thinking, and enabled them to form clear conceptions of the abstract principles they were endeavoring to apprehend. And this addition to the course, instead of lengthening it, actually accelerated our progress, shortened the time needed, and secured a clear-headed understanding of the subject in a far larger proportion of the class than when I gave first the principles and then the actual case as an after illustration.

I pursued the same method with equity pleading; a long bill with answer and replication taken from the records of our old Court of Chancery in its later years, was our first introduction to that subject; and the first lesson consisted in analyzing the bill in class as a careful solicitor would do, writing in the margin opposite each paragraph the key words or gist of that portion of the bill as suggested by members of the class and corrected if necessary by me. In doing that the mysteries of the "narrative part," the "charging part," the "jurisdiction clause," etc., etc., became clear to them all; and the way was prepared for studying intelligently the principles of pleading in equity.

In the same manner I have treated code pleading by prefixing to the cases in pleading given out to be read by the class the very pleading under discussion by the court; and in each case where the pleading was held faulty, a part of the exercise is to correct it.

The effect of printing the actual pleading which was drawn in question, and the various views of it taken first by the court of first instance, and then on the intermediate appeal, and lastly by the court of last resort, has been to awaken in the class the most lively interest in the question. They have been able to handle, so to speak the very weapons of contention, to enter into the professional controversy intelligently; they have found out the legal significance of the language used, and the value of clear-headed thinking and accurate expression. And with the actual pleading before us, the mode of varying the legal effect by amendment, has shown clearly the scope of each cause of action, and the elements involved in it, and in kindred or slightly different causes.

I have found the same principle applicable to other studies. The difficulties of the Statute of Frauds are prepared for by putting a copy of the statute into the hands of every student in the classroom, and a collection of short contracts of each class, some complying with the statute, some obnoxious to it, and some on or near the line. So with deeds or declarations of trust; with mortgages; with assumption clauses; with guaranties; equitable conversion; and the rule that oral evidence is not admissible to vary a writing. Hardly any subject have I touched that I have not found clear thinking, and ability to grasp legal conceptions and master principles greatly promoted by dealing first with the thing itself as a preparation for the abstract propositions of substantive law.

This way of requiring students to deal with legal instruments of various kinds in connection with their study of general principles or of particular cases, affords another great advantage, namely, the training it incidentally gives in clearness and precision in the use of legal language.

More than one-half the litigations of to-day involve controversies about the use of language.

A large part of the unnecessary contests about procedure which afflict our courts, results from lack of clear expression in the pleadings and proceedings of the attorneys, and from that vagueness and inexactness of thought which always accompanies the habitual use of obscure and indefinite language. And contests on the merits which involve no questions of procedure very often turn on similar inexactness or ambiguity in the legal instruments which attorneys draw. If the student is trained in general principles by the aid of actual instruments, he gains incidentally a sense of the importance of clearness and an ability to secure it for himself which is invaluable to him, and to the court whose officer he is. "The power of clear statement" said Daniel Webster "is the great power at the bar."

It appears to me therefore that the principles of law and equity can most usefully be taught with the aid of actual instances of application, used not so much as after-illustrations, but as presenting facts which enable the student to form a vivid and accurate conception of the problem, and to deal with the actualities as the materials for generalization. If I am not mistaken the great source of error in our attempts to state substantive law is too broad generalization. The student should be taught not merely the generalization, as in text books, nor merely the process and results of reasoning upon it, as in case-law studies; he should also be provided with the materials for forming a vivid conception of

those things from comparing which the principle is drawn, and to the regulation of which the principle is to be applied.

When I first tried this method the former Dean of our school said that "it was like a demonstration in anatomy, we had the *cadaver* upon the table, and there was no misunderstanding the principle explained by its dissection."

This gave me encouragement, for it suggested that I was only conforming to the general advance made in other departments of education; and on inquiry I found that the most characteristic feature of the improved methods of teaching other branches of science is the sending of the student, the very first thing, into the laboratory. He who is to understand intelligently the results of spectrum analysis must as a part of his preparation, handle the spectroscope and scan the spectrum of various substances. He who is to grasp adequately the conceptions which a study of the principles of astronomy or electricity requires, needs to handle the instruments of precision as a part of his introduction. The time spent on this handling of things is not time added but time saved to the course, by reason of the better power it gives the mind.

The old method of education is for the teacher to communicate the results of his own studies, and his scholars learn them as the beginning of theirs. The modern method is to prepare them for beginning where he left off by leading them through some of the paths which he or other investigators pursued to reach that elevation. The old method is the more natural and easier for the teacher; for he who by a long course of labor has mastered the general principles of his science, looks upon those principles as his attainments, and upon the long course of labor as the obstacle, the hindrance. He values the results only, and in teaching he naturally begins by communicating those results. But if he is really a master of his subject, his mastery is in part due to the labor with actual details by which he reached his results. It is now seen, in other sciences at least, that to expect his students to begin where he ended, is to expect them to acquire his attainments without getting his ability.

The modern method is to lead the pupil through a specimen path of investigation; to give him a well chosen problem, point him to the factors by which to solve it, require him to experience the doubts, the anticipations, and the final victory of actual investigation; and when he has thus learned the path by which all science is pursued he is ready to appreciate the significance of the results of other investigations which he has no need to pursue. Then and not till then is he ready to grasp and utilize the wealth

of results which his teacher has acquired by labor and by inheritance from the labors of others. When he himself has labored at something, as other men have labored at many things, and by the process has found the meaning of the results of his own work, then he has become qualified to apprehend the results of others' work without repeating their processes.

I believe the law is a true science, and to be scientifically taught. To confine teaching to the communication of results, is to confine most students to memorizing formulas. The student should labor himself in order to be able to enter into other men's labors.

Assuming then that some of you at least, agree with me in the importance of what for the want of a better expression I may call laboratory work in studying law, I would ask, Should such study of procedure as a school affords be postponed till after the completion of courses in substantive law? Or should some parts of it at least precede that or be concurrent, and if so, what parts?

### III. SPECIFIC METHODS OF CLASS WORK.

In respect to the methods of instruction, I assume that the result of the controversy between the advocates of the Dwight method and the Case method allows me to say that the opinion now prevalent is that there is no one best way of teaching law, any more than there is one best way of trying a case. A case in equity is not to be tried like a case at law. A negligence case is not to be tried like a seal fisheries arbitration case. Rufus Choate is not to try cases like Daniel Webster. And so with methods of instruction. I say therefore to my colleagues, use your own judgment. Get what light you can from the methods and opinions of others, study the minds of your students, consider the nature of your subject, and then use your own personality in your own way, with freedom, force and vivacity, to secure in the class as much unbroken attention and as much vivid thinking as you can.

There are some other questions as to method on which I much desire to hear opinions from some of those present, and I believe most of you share the desire.

- (1) *Where a text book is the basis of instruction should the instructor's exposition precede or follow the reading?*

I understand several methods are in use. Some teachers lecture on the topic of the lesson first, then the lesson is read out of class; and next day the students are examined on the ground

covered. Others require the lesson in the text-book to be first read out of class, and then the same ground is gone over in class, with illustrations, explanations, corrections and enlargements, interspersed with questions to the class. In my limited experience I have thus far found the best results by first briefly explaining the controversies among men which raise the questions treated of in the text, putting a few real or supposed cases as problems for treatment according to the principles given in the text-book, then giving out the text to be read out of class, and the next day I supplement the text-book by explanations bringing it down to date so to speak, lastly dictating a very concise skeleton or *aide memoire* of those rules on the subject which are uppermost in American jurisprudence to-day, with mention of a strong leading case for each rule. This finishes the subject; and is followed in turn by preliminary explanation of the kind of controversies to be settled by the rules and principles of the next lesson. This method surveys the same ground three times, each in a different way. But it takes time; and the dictation is necessarily slow.

In some schools I understand the students instead of taking notes are furnished with type-written notes. I think a comparison of views among those here on the relation of lecture, text-book, and note books, and the best combination of them, would be interesting. It certainly would be instructive and helpful to me.

(2) *Should students be catechised on what they have heard and read?*

It is well understood now in all educational processes that reading and hearing is not enough to give students the mastery of a subject. The eye is one channel into the mind, so to speak; the ear is another. But neither "carries" *through* the mind. To enlist the whole mind, an effort at expression is needed. Academic recitations, if used at all in a professional school, have their real value in adding to the hearing and reading, the effort of the mind to formulate results, to reproduce as its own, the knowledge introduced. This completes the circuit. But is there no better way?

The "colloquy," introduced by the Case system is admirable. One of the chief values of the Case system appears to me that it puts the student at once on professional methods of study, instead of academic. When two or three of us lawyers meet in practice, as counsel, to confer on the merits of a doubtful action or defense, we get down four or five recent or leading cases and examine them

together, and a colloquy ensues which brings out an analysis of each case, and in that way we reach consentaneous views as to what the law is on the point. This is substantially the natural course with the Case system. Is this form of discussion feasible with the text book system? It appears to me that in a professional school we should adopt as far as practicable professional methods of study, rather than academic methods. But professional methods make large use of text-books.

### (3) *Written Exercises.*

Is there not some feasible use of writing as an effort at expression short of the ponderous and often pretentious essays and theses that are now almost the sole mode of writing proposed to the student? Every lawyer knows the truth of Bacon's apothegm that reading makes a full man, speaking makes a ready man, and writing makes an exact man. Legal training should of all things include exactness.

The only advance that I have made in this direction is the Written Quiz. Half sheets of paper are distributed through the class and questions are put calling for concise statements of four or five legal principles or rules, which have been explained. In fifteen minutes, two-thirds of the class have handed in their answers. As the answers are handed up I can examine them, and they disclose to me the typical misapprehensions and deficiencies which my exposition has left in the minds of the class. An error which occurs only in one or two of the papers may, if time is short, be passed over as idiosyncratic; but substantially the same error is always found occurring in various forms in many papers. These errors can be then concisely explained reading one aloud as a basis of comment. Blunders remain anonymous, and one correction is a scattering shot that hits many birds. Another peculiar value of this exercise is that it discloses to me the inadequacy of my previous exposition. Where a large number of students of varying degrees of ability fail on the same point I cannot attribute it wholly to dullness or inattention on their part.

Are there not other and perhaps better methods of requiring students to make some systematic and frequent efforts at accurate expression of the results of their studies?

## IV. POST GRADUATE COURSES.

If the views I have expressed of the new phase of law presented by our existing jurisprudence which requires the courts in case of doubt to ask what rule is best suited to our condition, are

just, the importance and the ultimate necessity of post graduate courses of the highest grade becomes more clear. In organizing such courses we have in part to create the appetite which we aim to supply. In passing through the undergraduate studies we should lose no fit opportunity of pointing the students to the connected topics of scientific jurisprudence, and their relation to the subject in hand. In learning private and technical law they should learn that it is incomplete and not workable to the highest advantage without its broader relations with universal law. As we lead the class along the ordinary galleries of every-day law, therefore, we should not forget to call their attention to the doors on this hand and that, which open into the inner halls of learning, and if possible give them a glimpse within each as we pass, that they may be the more inclined to return another year and explore the treasures of which they have as yet no adequate idea.

I have mentioned the principal questions that have presented themselves to my mind as I have read and re-read the comprehensive and admirable report of the Committee on Legal Education and reviewed in its light my brief experience of the past two years. I for one feel greatly indebted to the committee for the aid their labors afford. And I have come with a strong desire to hear a free interchange of opinions in regard to methods.

It is clear that one great danger to our beloved country is the lack of respect for law which is shown in so many ways, from social laxity, and commercial and political frauds down to unconcealed anarchy. The safety of our future is bound up with the supremacy of justice as administered by a judiciary now for the most part elective. The bench cannot be expected to maintain the public respect for law unless aided by a trained bar, and it is only a trained bar that can supply fit candidates for the bench, the legislature and the chief executive and administrative offices.

Legal education is thus an indispensable condition of our national welfare; and none of us can better discharge the debt which he owes to his profession than by seconding the efforts in which this committee are so ably leading.

The questions I have been led to ask all point to one underlying question, viz., should not legal education aim at the development of the man in the student, quite as much as at the communication of rules of law? Is it not easier to do both together, than to do one alone? Is there any better training for the mind than legal science; and, at the same time, is there any better aid in learning the principles of that science than the best development of mental powers?



What then are the methods of instruction in law which the experience of those here have found most useful in securing on the part of the students,—

1. Vivid thinking;
2. Acute analysis;
3. Close reasoning;
4. Clear expression, and
5. An appreciation of law, as being (subject only to statutory limitations) the application of a divine ideal of justice to the actual affairs of life?

*Austin Abbott.*